

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Minutes of the  
Bountiful City Council Meeting  
City Council Chambers  
January 10, 2012, 7:00 p.m.

29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48

Present: Mayor:	Joe L. Johnson
Council Members:	Richard Higginson, Beth Holbrook, John Marc Knight, Fred Moss, and Thomas Tolman
City Manager:	Tom Hardy
City Attorney:	Russell Mahan
City Engineer:	Paul Rowland
City Recorder:	Kim J. Coleman
City Treasurer:	Mark McRae
Admin. Services Dir.:	Galen Rasmussen
Planning/RDA Director:	Aric Jensen
Department Heads:	Gary Blowers, Streets Allen Johnson, Power Kent McComb, Golf Pro Tom Ross, Police Jerry Wilson, Parks
Recording Secretary:	Nancy Lawrence

Official Notice of this meeting had been given by posting a written notice of same and an Agenda at the City Hall and providing copies to the following newspapers of general circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune and on the Utah Public Notice Website.

Mayor Johnson called the meeting to order at 7:00 p.m. and welcomed those in attendance. Ryan King, visiting Boy Scout, led the pledge of allegiance to the flag, following which Councilman Moss offered the prayer/thought.

**APPROVAL OF MINUTES**

Minutes of the regular City Council meeting held December 13, 2011 were presented and approved, as corrected, on a motion made by Councilman Moss and seconded by Councilwoman Holbrook. Councilpersons Holbrook, Knight, Moss and Tolman voted "aye". Councilman Higginson abstained because he was not a councilman at the subject meeting.

**COUNCIL REPORTS**

Mayor Johnson commented on how amazingly the City responded to the clean-up and repair efforts following the December 1<sup>st</sup> wind storm, and he presented plaques of appreciation to "major players" who donated equipment and labor. As a representative from each entity was given the plaque, they were invited to give a short summary of their involvement. Companies/individuals recognized were: Ralph Smith and Wind River trucking, Ashworth Construction, Tire Pros, Grandview Rockery, Richter Landscape, Shupe Electric, Page 1 Marketing and Consulting, Sharper View Window Cleaning, Ponds Plumbing, Northwestern Mutual, Alexco, Serv Pro, State Farm, Bountiful Sub-Conservancy, Woods Cross City, UDOT, the Utah National Guard, and Salt Lake City Street Department. Others mentioned in the

1 meeting were Komatsu Equipment, Arnold Eddings, Wasatch Mountain Excavating, and Bret  
2 Bryson. The Mayor acknowledged that the list of those recognized might not be complete and  
3 he invited help in identifying others who should be recognized.  
4

5 Councilwoman Holbrook reported that the Bountiful Community Service Council will  
6 meet this coming Saturday at 8:00 a.m. to discuss the implementation of an emergency  
7 preparedness fair. The projected date is August, 2012. She thanked the members of the BCSC  
8 for their service and noted that they are “amazing” volunteers.  
9

#### 10 **WEEKLY EXPENDITURES AND EXPENSES APPROVED**

11 Mayor Johnson presented the reports for expenditures and expenses greater than \$1,000  
12 for the following periods: December 1-7, 2011 (\$5,637,915.06), December 8-14, 2011  
13 (\$163,088.96), December 15-21, 2011 (\$331,885.55), and December 22-28, 2011  
14 (\$1,361,148.04). Following a short discussion, Councilwoman Holbrook made a motion to  
15 approve the four reports, as presented. Councilman Higginson seconded the motion and voting  
16 was unanimous. Councilpersons Higginson, Holbrook, Knight, Moss and Tolman voted “aye”.  
17

#### 18 **YOUTH COUNCIL REPORT**

19 Maddie Fowers (Youth Mayor) and Nathan Ricks (Service Chair) were in attendance and  
20 reported activities of the Youth Council. Mr. Ricks reviewed that the Youth Council assisted the  
21 Bountiful Community Service Council in hosting the Breakfast with Santa, and the Bountiful  
22 Youth Council and West Bountiful Youth Council had a joint Christmas social at the Joy Luck  
23 restaurant. Youth Mayor Fowers said that the future calendar includes the Day with the  
24 Legislature for a tour, lunch and speaker. They are hopeful of hearing from Sheryl Allen, Kim  
25 Burningham and Dave Irvine.  
26

#### 27 **UPDATE REPORT ON MOSQUITO ABATEMENT DISTRICT – DUANE GARDNER**

28 Duane Gardner, Bountiful’s representative on the Mosquito Abatement District Board,  
29 reported that the Mosquito Abatement District budget for calendar year 2012 is \$1,907,000  
30 Although the budget has remained flat for the last three years, it has had a carry-over each year  
31 which is getting smaller. He praised Gary Hatch, manager of a full-time staff of four individuals,  
32 with 32 – 35 seasonal employees. The threat of West Nile Virus has not gone away, with three  
33 cases reported in Utah last year.  
34

35 Mr. Gardner reviewed some of the techniques which are used in combating mosquitoes  
36 and stated that the main objective of the District is to keep the City safe and comfortable. He  
37 noted that the use of a GPS system has helped greatly both for ground and aerial patrolling. The  
38 Mayor and Council expressed appreciation to Mr. Gardner, for both the report and his service on  
39 the Board.  
40

41 *Councilman Knight was excused from the meeting at this time (7:48 p.m.).*  
42

#### 43 **APPROVE ANNUAL MEETING SCHEDULE FOR 2012**

44 The Mayor presented the Public Notice which gives detailed information for the meeting  
45 schedule for 2012, and noted that it is basically the same as has been followed this past year.  
46 The Council will meet on 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays, EXCEPT for July 24<sup>th</sup> (Pioneer Day) and

1 December 25<sup>th</sup> (Christmas). The notice provides that in addition to the regularly scheduled  
2 meetings, the City Council may, from time to time, meet in special session as needed, pursuant to  
3 proper public notice. Councilman Tolman made a motion to approve the Annual Meeting  
4 Schedule for 2012, Councilman Moss seconded the motion and voting was unanimous.  
5 Councilpersons Higginson, Holbrook, Moss and Tolman voted "aye".  
6

#### 7 **CITY TREASURER AND CITY RECORDER RE-APPOINTED**

8 Mr. Hardy reviewed that the ordinance requires that the City Recorder and City Treasurer  
9 be re-appointed after an election. In accordance with this requirement, the Mayor recognized  
10 Mark McRae (City Treasurer) and Kim Coleman (City Recorder) and recommended that they  
11 both be re-appointed. Councilman Higginson made a motion to this effect, Councilwoman  
12 Holbrook seconded the motion and voting was unanimous. Councilpersons Higginson,  
13 Holbrook, Moss, and Tolman voted "aye".  
14

#### 15 **DAVID IRVINE RE-APPOINTED TO POWER COMMISSION**

16 Mayor Johnson reported that David Irvine has served on the Power Commission since  
17 1998 and his current term will expire on January 15, 2012. His knowledge and experience have  
18 been valuable assets to the Commission and it is the recommendation of Allen Johnson that Mr.  
19 Irvine be re-appointed. Councilman Moss made a motion to re-appoint David Irvine to a 4-year  
20 term on the Power Commission. Councilman Higginson seconded the motion and voting was  
21 unanimous. Councilpersons Higginson, Holbrook, Moss and Tolman voted "aye".  
22

#### 23 **APPROVAL GIVEN TO RENEW GOLF COURSE LEASE WITH WESTERN FOODS**

24 Mr. McComb reported that Western Food Service (WFS) has had the concession lease  
25 agreement at Bountiful Ridge Golf Course for the past 9 years. The current contract with WFS  
26 has been for a period of three years, with an option to renew for another 3-year period upon  
27 mutual agreement of both parties. The initial 3-year period has now ended. Mr. McComb  
28 explained that they have been very pleased with the relationship and service of WFS. However,  
29 this past summer WFS made a managerial change in the restaurant, and with consideration of  
30 that change, he recommended that the lease be renewed with WFS for a period of only ONE  
31 year, with an option to renew for two consecutive one-year periods (upon mutual agreement) to  
32 provide an opportunity to evaluate the new management on a yearly basis. The terms of the  
33 lease provide for (a) an annual fee of \$25,000, or (b) 15% of concessionaire's annual gross sales  
34 (whichever is greater).  
35

36 This recommendation was discussed, following which Councilwoman Holbrook made a  
37 motion to approve the concession Lease Renewal, as recommended, for one year, with the option  
38 of two one-year renewals of the lease. Councilman Higginson seconded the motion which  
39 carried unanimously. Councilpersons Higginson, Holbrook, Moss, and Tolman voted "aye".  
40

#### 41 **EMERGENCY WIND DAMAGES APPROVED**

42 Allen Johnson reported that the latest estimate of wind damage to the power system in  
43 Bountiful is \$1.4 million. He noted that costs associated with restoring power to the City were  
44 not included in the budget and explained that revenue sources for these expenditures will be  
45 insurance, FEMA, and retained earnings (set aside to handle such an emergency and accessed by  
46 opening the budget). He reviewed the following invoices which are over the \$10,000 limit,

1 requiring City Council approval: Spanish Fork City (\$14,593.24 for labor, expenses, and  
2 materials); Dixie Escalante REA (\$17,859.41 for labor, expenses and materials); Cache Valley  
3 Electric Company (\$46,411.24 for a portion of their work performed last month); and Asplundh  
4 Tree Experts (\$25,394.26 for the *extra hours* for the two crews who already work in the City and  
5 for the additional three crews that helped. He noted that the cities that provided assistance  
6 brought their own equipment and did not pass any equipment charges along. Councilman Moss  
7 made a motion to approve the four emergency expenditure payments outlined above.  
8 Councilman Higginson seconded the motion and voting was unanimous. Councilpersons  
9 Higginson, Holbrook, Moss and Tolman voted “aye”. Mayor Johnson thanked the Power  
10 Department for getting the power back on as quickly as they did, noting this was a remarkable  
11 achievement.  
12

13 **APPROVAL GRANTED TO JOE AND BETTE EGGETT PHASE 5**  
14 **AMENDED SBDVN PLAT**

15 Mr. Rowland reported that following the previous approval of the one-lot Joe and Bette  
16 Eggett subdivision, it was determined that the size of the lot was deemed insufficient to justify  
17 the agreed sales price. As a means of remedying this, the owner has proposed to increase the lot  
18 size so as to increase its value. The Planning Commission has reviewed this request and it comes  
19 to the Council with a positive recommendation.  
20

21 Councilwoman Holbrook made a motion to approve the Joe and Bette Eggett Subdivision  
22 Phase 5 *Amended* plat with the following conditions: (1) payment of all fees; (2) submit a  
23 current title report; and (3) correct any redlines. Councilman Higginson seconded the motion  
24 and voting was unanimous. Councilpersons Higginson, Holbrook, Moss and Tolman voted  
25 “aye”.  
26

27 **PRELIMINARY APPROVAL GRANTED FOR KENSINGTON COURT SBDVN –**  
28 **640 EAST 400 NORTH – BRIGHTON HOMES, APPLICANT**

29 Mr. Rowland presented the request of Brighton Homes for preliminary subdivision  
30 approval of Kensington Court Subdivision at 640 East 400 North and explained that it comes to  
31 the Council with a positive recommendation, subject to the following conditions:

- 32 1. Any and all redlines be corrected
- 33 2. Any and all fees be paid
- 34 3. The 4-ft. wide private ingress/egress easement be removed from between Lots 11  
35 and 12.

36 He said that the property is currently occupied by a couple of structures which will be  
37 demolished to make room for the new development. After a brief discussion, Councilwoman  
38 Holbrook made a motion to grant preliminary subdivision approval, as recommended.  
39 Councilman Tolman seconded the motion and voting was unanimous. Councilpersons  
40 Higginson, Holbrook, Moss and Tolman voted “aye”.  
41

42 *Councilman Knight returned to the City Council meeting at this time (8:14 p.m.)*  
43

44 **COMMERCIAL SITE PLAN OF RAINEY HOMES PROFESSIONAL**  
45 **OFFICE BUILDING APPROVED – 265 EAST 500 SOUTH**

46 Mr. Jensen presented the request of Rainey Homes for site plan approval of a 3,500 sq. ft.

1 office building located at 265 East 500 South. The property is currently vacant, and is zoned  
2 Professional Office Neighborhood (PO-N). He said that the Planning Commission has reviewed  
3  
4 this request and recommends preliminary and final commercial site plan approval with the  
5 following conditions:  
6

- 7 1. The final landscaping plan must receive staff approval after 4-way inspection and  
8 prior to final occupancy.
- 9 2. Any and all redline corrections be made prior to building permit approval.
- 10 3. All fees, including storm drain fee, be paid in full.
- 11 4. The exterior treatments of the building are conditioned upon adoption of the  
12 proposed amendments to the PO-N zone. (Mr. Jensen noted that if the ordinance  
13 is not changed, the developer will conform to the original ordinance).  
14

15 Following discussion, the City Council also stipulated that the handicapped entry in the  
16 rear must conform to current requirements for new construction. Councilwoman Holbrook made  
17 a motion to approve the request of Rainey Homes, as recommended and with the stipulation from  
18 the Council. Councilman Knight seconded the motion and voting was unanimous.  
19 Councilpersons Higginson, Holbrook, Knight, Moss and Tolman voted "aye".  
20

#### 21 **CONTRACTS APPROVED TO PURCHASE PROPERTY IN HOLBROOK CANYON**

22 Mr. Jensen reviewed that approximately three years ago, representatives of the  
23 descendants of Jed Stringham approached the City about acquiring the remainder of the property  
24 he homesteaded in Holbrook Canyon. The City purchased two 20-acre parcels in December,  
25 2010 with the help of a grant from the LeRay McAllister Fund and with the understanding that  
26 the additional property could be purchased when additional funding was available. The City  
27 recently received another grant (\$23,720), which will allow acquisition of 46.5 acres of the  
28 remaining 86.5 acres.  
29

30 Mr. Jensen referenced the Memorandum of Understanding between the City and the  
31 Stringham family members and recommended that the Council approve the Bargain Sale Real  
32 Estate Purchase Contracts as presented, and that the Treasurer be authorized to fund the  
33 transactions subsequent to the successful transfer of Title. Discussion followed and Councilman  
34 Knight made a motion to approve the purchase, as recommended. Councilman Higginson  
35 seconded the motion and voting was unanimous. Councilpersons Higginson, Holbrook, Knight,  
36 Moss and Tolman voted "aye".  
37

#### 38 **STAFF AND CALENDARING ITEMS**

39 Mayor Johnson confirmed that the Council had received the Mayor Pro-Tem schedule for  
40 the coming year, as well as the Council Committee Assignments. He recognized the marriage of  
41 "Karen and Gary", regular attendees at City Council, and then called for a motion to authorize a  
42 closed session. At 8:30 p.m. Councilman Higginson made a motion to adjourn to closed session  
43 to discuss the character and professional competence of an individual(s), and to reconvene this  
44 meeting following the closed session. Councilman Moss seconded the motion and voting was  
45 unanimous. Councilpersons Higginson, Holbrook, Knight, Moss and Tolman voted "aye".  
46

1 **Attendance at Closed Meeting:**

2 Mayor Johnson

3 Councilpersons Higginson, Holbrook, Knight, Moss and Tolman

6 *The open meeting reconvened at 8:51 p.m.*

9 **CONSIDER APPOINTMENT OF CITY MANAGER**

10 Mayor Johnson reported that Mr. Hardy has resigned as City Manager and will be going  
11 on an LDS mission to Washington DC to the LDS temple visitor's center. He will leave  
12 February 13<sup>th</sup>. The City Council would like to consider re-appointing Mr. Hardy as City  
13 Manager upon his return from his mission. In the interim, it is the recommendation of the Mayor  
14 that Russell Mahan be appointed as interim City Manager. Councilman Knight made a motion  
15 to this effect, Councilwoman Holbrook seconded the motion and voting was unanimous.  
16 Councilpersons Higginson, Holbrook, Knight, Moss and Tolman voted "aye".

18 Mr. Mahan expressed appreciation to the Mayor and City Council for the motion and  
19 second and individual votes, and stated that he will look forward to working with them and with  
20 the staff.

22 The meeting adjourned at 8:53 p.m. on a motion made by Councilman Higginson and  
23 seconded by Councilman Tolman. Voting was unanimous with Councilpersons Higginson,  
24 Holbrook, Knight, Moss and Tolman voting "aye".

29 \_\_\_\_\_  
JOE L. JOHNSON, Mayor

33 \_\_\_\_\_  
34 KIM J. COLEMAN, City Recorder

36 \* \* \* \* \*